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8 United States District Court  
9 Northern District of California  
Eureka Courthouse

10 CHRISTOPHER VANNING JOHNSON

11 *Petitioner,*  
12 vs.

13 TREN ALLEN, Warden, Salinas Valley State  
14 Prison, California,

15 *Respondent.*

16 PEOPLE OF THE STATE OF CALIFORNIA,

17 *Real Party in Interest.*

No. 1:23-cv-01374-RMI

~~PROPOSED~~ ORDER TRANSFERRING  
CASE

(Habeas L.R. 2254-3(b))

18 ~~PROPOSED~~ ORDER TRANSFERRING CASE

19 Petitioner, a state prisoner who is incarcerated at Salinas Valley State Prison, filed this  
20 petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging the validity of his  
21 conviction obtained in the Solano County Superior Court. [Docket No. 1.]

22 A petition for a writ of habeas corpus made by a person in custody under the judgment  
23 and sentence of a state court of a State which contains two or more federal judicial districts may  
24 be filed in either the district of confinement or the district of conviction. See 28 U.S.C. §  
25 2241(d). The district court where the petition is filed, however, may transfer the petition to the  
26 other district in the furtherance of justice. See id. Federal courts in California traditionally have  
27 chosen to hear petitions challenging a conviction or sentence in the district of conviction. See  
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1        *Dannenberg v. Ingle*, 831 F. Supp. 767, 767 (N.D. Cal. 1993); *Laue v. Nelson*, 279 F. Supp.  
2 265, 266 (N.D. Cal. 1968). If the petition is directed to the manner in which a sentence is being  
3 executed, e.g., if it involves parole or time credits claims, the district of confinement is the  
4 preferable forum. See Habeas L.R. 2254-3(a); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir.  
5 1989).

6              Here, Petitioner challenges a conviction and sentence incurred in the Solano County  
7 Superior Court, which is within the venue of the Eastern District of California. Therefore, the  
8 United States District Court for the Eastern District of California has jurisdiction over this  
9 matter.

10          The court takes judicial notice that a petition of a petitioner who was apparently  
11 Johnson's co-defendant in the Solano County Superior Court, *Gutierrez v. Smith*, 4:23-cv-  
12 01372-DMR, was transferred to the Eastern District of California on April 13, 2023.

13          Pursuant to 28 U.S.C. § 1406(a) and Habeas L.R. 2254-3(b), in the interest of justice, and  
14 also to avoid duplication of the courts' labor and expense and possible conflicting results in the  
15 two cases, this action is TRANSFERRED to the United States District Court for the Eastern  
16 District of California.<sup>1</sup> The Clerk shall transfer the case forthwith.

17          Dated: Eureka, California, May 15, 2023



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21              Robert M. Illman  
22              United States District Magistrate Judge  
23  
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27

28          <sup>1</sup> Venue transfer is a non-dispositive matter and, thus, it falls within the scope of the jurisdiction of the  
undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(A).